

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK PERRY,

Petitioner,

-against-

SUPERINTENDENT, BARE HILL
CORRECTIONAL FACILITY,

Respondent.
-----X

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ DEC 08 2011

BROOKLYN OFFICE

MEMORANDUM & ORDER

07-CV-2844 (ENV)

VITALIANO, D.J.

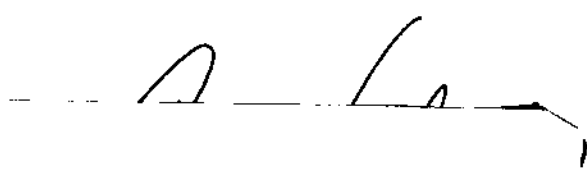
On November 3, 2011, pro se petitioner Patrick Perry filed a timely motion pursuant to Federal Rule of Civil Procedure 59(e) seeking reconsideration of the Court's recent denial of his application for a writ of habeas corpus.¹ "[R]econsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked-matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). "The major grounds justifying reconsideration are an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Virgin Atl. Airways, Ltd. v. Nat'l Mediation Bd., 956 F.2d 1245, 1255 (2d Cir. 1992) (internal quotations marks and citations omitted). Given these rules of decision, "a motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided." Shrader 70 F.3d at 257.

¹ On December 1, 2011, Perry made a filing in connection with his pending Rule 59 motion which (1) advanced additional arguments and (2) sought to amend his request for a certificate of appealability. These amendments and supplementation are fully considered in this Memorandum and Order.

That, in a nutshell, is precisely what Perry seeks to do. His motion merely repeats arguments that the Court thoroughly reviewed and rejected on Perry's original application. Having provided nothing that could be reasonably expected to cause this Court to alter its prior ruling, Perry's motion for reconsideration is denied.

SO ORDERED.

Dated: Brooklyn, New York
December 7, 2011



ERIC N. VITALIANO
United States District Judge